



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Post Office Box 1306
Albuquerque, New Mexico 87103



In Reply Refer To:
FWS/R2/ES-TE/053532

JAN 31 2013

Mr. Thomas Christensen
Regional Conservationist, Central
Natural Resources Conservation Service
P.O. Box 2890
Washington, D.C. 20013

Consultation Number 02E00000-2013-IC-0001

Dear Mr. Christensen:

This responds to your November 16, 2012, letter requesting an amendment to the Conference Report for the Natural Resources Conservation Service's (NRCS) Lesser Prairie-Chicken Initiative (LPCI) and associated procedures, conservation practices, and conservation measures issued on June 30, 2011, by the U.S. Fish and Wildlife Service (Service). The Conference Report addressed effects of the LPCI to the lesser prairie-chicken (*Tympanuchus pallidicinctus*) (LEPC), a species proposed for listing as threatened on November 30, 2012, (77 FR 73828). It is our understanding that NRCS is requesting inclusion of Conservation Practice Standard (CPS) 612, Tree/Shrub Establishment, which was not considered in the Conference Report for the LPCI. We received this request from NRCS on November 16, 2012. Our response is pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act).

The NRCS proposes to implement CPS 612 as a facilitating practice beginning in fiscal year 2013 and requests that it be added as a Proposed Action under the Conference Report to benefit the lesser prairie-chicken as well as rangeland health. The CPS 612 will be used to establish shrubs beneficial to the lesser prairie-chicken. These shrubs, such as skunkbrush sumac, have great potential to provide winter food, increased vegetative structure, thermal cover, and brood habitat beneficial to the lesser prairie-chicken. In consultation with State Game and Fish agencies and the Service, NRCS and all partners agree that planting such shrubs in certain lesser prairie-chicken habitats would be beneficial to lesser prairie-chickens. The CPS 612 would apply only to LPCI contract holders and additional conservation measures that would apply throughout the LPCI action area.

Prior to application, NRCS will coordinate with a local biologist to ensure that LPCI contract plantings involve only native shrubs. While tree planting is covered by CPS 612 and may occur outside of LPCI contracts, but within the action area of the Conference Report, coordination with a biologist on a case-by-case basis will ensure that any tree plantings in the action area will not cause harm to the lesser prairie-chicken.

Due to the measures to avoid potential adverse effects to lesser prairie-chickens, including pre-project consultation, we concur that there will be no additional adverse effects to the lesser prairie-chicken beyond that which was considered in the original Conference Report.

Therefore, please append the following to the Conference Report dated June 20, 2011.

Proposed addition to the Lesser Prairie Chicken Initiative Conference Report:

Conservation Practice Standard: TREE/SHRUB ESTABLISHMENT (612) (FACILITATING VEGETATIVE PRACTICE)

Definition: Establishing woody plants by planting seedlings or cuttings, direct seeding, or natural regeneration.

Purpose: To restore or enhance the desired native shrub community that is consistent with the ecological site description and as recommended by the affected State Fish and Wildlife Agency that identifies the most suitable habitat for the LEPC and other wildlife species. Specifically, CPS 612 may be used for the purpose of:

- 1) Providing vertical and thermal cover.
- 2) Improving the diversity of habitat to create a wider suite of food options that are available throughout the LEPC's life cycle.
- 3) Increasing food availability during heavy snow events.

Practice Application: The following practice application guidelines shall pertain only to CPS 612 implementation through LPCI contracts within the LEPC Action Area. The practice is implemented by:

- 1) Planting scattered plots of native shrub species that are beneficial to LEPC as determined by the affected State Fish and Wildlife Agency. Shrub species will be planted using manual or mechanical means including: tree planters, hand planting, or seeding.
- 2) Plots will be designed to avoid creating linear features that can function as predator corridors.
- 3) The length of a plot should be no more than twice the width.
- 4) Individual plots will be up to one acre in size, at least 500 feet apart, and involve a maximum of 5 percent of the LPCI contracted acres within each state.
- 5) A plot is defined as the area encompassing a localized planting of shrub species either as thickets, clumps, or individual plantings. In the presence of livestock, only the area from which livestock have been excluded by a perimeter fence will be considered to be a portion of the plot.

612 Tree/Shrub establishment anticipated average usage

State	Estimated LEPC Population Size in 2011	Ac/yr
Colorado	< 1,500 ^a	50
Kansas	19,700 – 31,100 ^b	10
Oklahoma	< 3,000 ^c	0
Texas	6,000 ^d	0
New Mexico	4968 ^e	0

a) Giesen 2000, p. 137; b) Rodgers 2007a, p. 1; c) Horton 2000, p. 189; d) Davis et al. 2008, p. 24; e) Beauprez 2009, p. 17

Resource concerns: Wildlife habitat, specifically increased over-winter food, vegetative structure, and thermal cover for LEPC.

Potential beneficial effect(s) to LEPC: While implementation of this practice may cause limited short term adverse impacts, the long term benefits achieved will far exceed any short term detriments associated with this practice. The practice will ameliorate a limiting habitat factor and create desired or targeted habitat conditions as recommended by the affected State Fish and Wildlife Agency. Benefits include increased availability of food during heavy snowfall events, diversity of cover beneficial for thermal regulation in winter and summer, and enhanced pollinator habitat, which will increase available food potential for broods.

Potential adverse effect(s) to LEPC: Short-term effects may result from visual and physical disturbance (including noise) during implementation. Temporary soil and vegetation disturbances resulting from implementation and increased potential for invasive plants on disturbed areas. There might be an increased potential for soil erosion or accidental mortality during implementation, especially from overland vehicle travel.

Conservation Measures:

The following conservation measures shall apply to ALL CPS 612 shrub planting implemented within the LEPC Action Area, without regard to participation in an LPCI contract:

- 1) NRCS shall coordinate with the affected State Fish and Wildlife Agency and confer with the State Technical Committees to identify appropriate restrictions on the placement, extent, configuration, and timing of shrub planting under this conservation practice standard and the area where these practice restrictions would apply so as to avoid or minimize adverse effects to the LEPC and supporting habitat conditions.
- 2) This practice standard will be designed to support other practices that will create the desired habitat conditions for the LEPC as recommended by the affected State Fish and Wildlife Agency.
- 3) Defer site preparation for this conservation practice within 1/2 mile to known leks and nest sites until all breeding and nesting activities are completed, typically March 1 through July 15, or as modified by State Fish and Wildlife Agency or State Technical Committee recommendations.

- 4) Minimize soil and vegetative disturbances during installation of conservation practices. Avoid disturbing the soil on sensitive areas with a high potential for soil erosion.
- 5) Evaluate and minimize the site's potential for soil erosion and invasion by undesirable plants during practice planning and design.
- 6) Regularly monitor the site after implementation to ensure erosion and undesirable plant issues are addressed quickly.
- 7) Machinery associated with the practice should be clean and free of vegetative debris prior to use to prevent the spread of invasive plant species.
- 8) The implementation plan shall clearly identify any special resources that need to be avoided; such as riparian areas, wetlands/playas, leks, or habitat of other at-risk species.
- 9) When livestock are present, plots must be deferred from livestock grazing for a period of time determined to be adequate based on recommendations in the 612 Standard and Specification. (See also the plot definition in Practice Application guidelines for participants in LPCI contracts.)
- 10) Species planted must be ecologically appropriate, arranged to minimize predator impacts, and beneficial to LEPC. For LPCI, plot locations should not be in close proximity to permanent vertical structures when possible. There may be circumstances when locating plots next to certain vertical structures will provide LEPC habitat benefits which offset the negative effects associated with the vertical structure.
- 11) Within the LEPC Action Area, all practice 612 shrub plantings shall be completed in coordination with the local biologist (Service, NRCS, Joint Farm Bill Biologists, or State Wildlife Agency) who will sign off on the planting as either providing LEPC habitat (LPCI requirement) or not negatively impacting LEPCs.

The project description has been appended to include the work related to the LPCI as stipulated above. All other provisions documented in the Conference Report dated June 30, 2011, stand. As the Service and NRCS continue discussions to convert the Conference Report to a Conference Opinion, the LPCI and all associated actions will be evaluated again.

If you have questions regarding this amendment to the Conference Report for the LPCI, please contact Michelle Shaughnessy, Assistant Regional Director for Ecological Services, at 505-248-6671.

Sincerely,


ACTING Regional Director

cc: Martin Lowenfish, Conservation Initiatives, Regional Conservationists Office, Natural Resources
Conservation Service, Washington, D.C.
Rick Gooch, Wildlife Biologist, Office of Communications and Candidate Conservation,
Arlington, VA
Dave Walker, Farm Conservation Programs Coordinator, Division of Habitat and Resource
Conservation, Arlington, VA
Jim Serfis, Chief, Office of Communication and Candidate Conservation, Arlington, VA



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Mr. Astor Boozer
Regional Conservationist, West
Natural Resources Conservation Service
P.O. Box 2890
Washington, D.C. 20013

Consultation Number 02E00000-2013-IC-0001

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